

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Deborah A. Brown,

Case No. 3:10 CV 201

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

U.S. Postal Service,

JUDGE JACK ZOUHARY

Defendant.

The Court conducted a record hearing on Defendant's Motion to Dismiss (Doc. No. 3) on March 30, 2010. Counsel and parties present: *Pro Se* Plaintiff Deborah Brown (and William Gertz); Guillermo Rojas, attorney for Defendant. This case (removed from Small Claims Court) involves a claim against the Postal Service for losing a Christmas package sent from Ohio to California in December 2009 (Doc. No. 1-1).

Defendant's Motion (unopposed) is granted. First, to properly plead an action under the Federal Tort Claims Act (FTCA), the United States must be named as the defendant. *See* 28 U.S.C. § 2679(a); *see also Griffin v. United States Postal Serv.*, 1999 U.S. App. LEXIS 8617, at *1 (6th Cir. April 30, 1999). Second, even if Plaintiff had properly named the United States as the defendant, the United States has expressly retained its sovereign immunity over claims for negligent handling of the mail which are filed under the FTCA. *See* 28 U.S.C. § 2680(b); *see also Griffin*, 1999 U.S. App. LEXIS 8617, at *1.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

March 31, 2010

Ct. Reporter: Angela Nixon